

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6157 of 2006

Dated:19.10.2006

Between
Sake Venkata Ramanamma
And another.

.....Petitioners

and

1.The Cooperative Tribunal,
Visakhapatnam, Visakhapatnam District
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.6157 of 2006

ORDER:

This writ petition is directed against an order made in EOP No.44 of 2003 dated 13.12.2005 on the file of A.P.

Co-operative Tribunal, Visakhapatnam.

The petitioners claim that they are members of the 7th respondent society and also valid voters of the said society. According to them, without conducting any elections, respondents 2 to 6 were declared as elected on 18.08.2002 as members of the society.

The petitioners did not move their little finger for about nine months. Thereafter, they ventured to file an election petition before the A.P. Co-operative Tribunal, Visakhapatnam, challenging the election of respondents 2 to 6 on various grounds.

There is no necessity to go into all the details. It is suffice to notice that on the basis of oral and documentary evidence, it was established that the election was held on 18.8.2002 to the 7th respondent society. As per Rule 49-B of APCS Rules ' a dispute relating to or in connection with any election to the office of the president of a primary society, a committee, a member of a committee or an officer shall be preferred to the Tribunal having jurisdiction over the place where the main office of the society is situated within one month from the date of declaration of results of such election'.

In this case, admittedly, one month period has elapsed by 19.9.2002. The election petition was preferred on 13.6.2003 i.e., nine months after expiry of period of limitation. On this ground alone, the Election Petition was dismissed. In fact, after considering the entire evidence on record, the Tribunal has rightly come to the conclusion that the Election Petition is not maintainable since it is barred by limitation.

I am of the opinion that the Tribunal has not committed any error calling for interference of this Court under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

19-10-2006

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